



State of Utah

Department of
Environmental Quality

Richard W. Sprott
Executive Director

DIVISION OF SOLID AND
HAZARDOUS WASTE
Dennis R. Downs
Director

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

January 2, 2008

Anthony Cellucci
Clean Harbors Environmental Services, Inc.
P.O. Box 9149
Norwell, MA 02061-9149

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Subject: **NOTICE OF VIOLATION AND ORDER FOR COMPLIANCE No. 0711029**
Clean Harbors Environmental Services, Inc.
MAD039322250

Dear Mr. Cellucci:

Enclosed you will find a **NOTICE OF VIOLATION AND ORDER FOR COMPLIANCE (NOV/CO) Number 0711029**, based on findings documented during a used oil records inspection conducted by Division of Solid and Hazardous Waste inspectors at Clean Harbors Aragonite on August 8, 2007. The inspection revealed several items of concern regarding used oil transportation issues.

The enclosed NOV/CO addresses compliance issues relating to used oil tracking and used oil transportation in Utah. Please be advised that compliance with this **ORDER** is mandatory and will not relieve Clean Harbors Environmental Services of liability for past violations.

If you have any questions concerning this document, please contact David Wheeler or Cheryl Prawl of my staff at (801) 538-6170.

Sincerely,

ORIGINAL DOCUMENT SIGNED BY DENNIS R. DOWNS ON 1/2/08

Dennis R. Downs, Executive Secretary
Utah Solid and Hazardous Waste Control Board

DRD/DSW/kl

Enclosure: Clean Harbors NOV

c: Eric Johnson, EPA, Region VIII
Myron Bateman, EHS, MPA, Health Officer, Tooele County Health Department

BEFORE THE UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD

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In the Matter of:	:	NOTICE OF VIOLATION
	:	
Clean Harbors Environmental Services, Inc.	:	AND
P.O. Box 9149	:	
Norwell, MA 02061-9149	:	ORDER FOR COMPLIANCE
	:	
MAD039322250	:	
	:	<u>No: 0711029</u>
	:	
	:	

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This **NOTICE OF VIOLATION AND ORDER FOR COMPLIANCE** is issued by the UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD (the Board) pursuant to the Utah Used Oil Management Act (the Act), 19-6-701, et seq., Utah Code Annotated (UCA) 1953, as amended. The Board has delegated to the Executive Secretary authority to issue such **ORDERS** in accordance with 19-6-705 UCA.

FINDINGS

1. Clean Harbors Environmental Services, Inc. (Clean Harbors Environmental Services) is a “person” as defined in UCA 19-1-103(4) and is subject to all applicable provisions of the Act and R315-15 of the Utah Administrative Code (the Rules).
2. Clean Harbors Environmental Services is a used oil transporter located in Utah at 11600 North Aptus Road, Aragonite, and headquartered in Norwell, Massachusetts.
3. Clean Harbors Environmental Services obtained a used oil transporter permit (UOP-0091-05), on May 2, 2005, from the Utah Division of Solid and Hazardous Waste (the Division).
4. On August 8, 2007, Division inspectors visited the Clean Harbors Aragonite facility located at 11600 North Aptus Road, Aragonite, Utah, as part of an annual used oil inspection. During the inspection, the inspection team documented several used oil transporter compliance issues, discussed below.
- 5.a. Failure to Follow Analysis Plan. Condition 13 of Clean Harbor’s used oil transporter permit (UOP-0091-05) requires Clean Harbors to follow its analysis plan of April 20, 2005. This analysis plan states, in part, that all used oil transported by Clean Harbors will be certified by a Utah-registered used oil marketer to be “on-specification” prior to being transported within the state of Utah.

- b. In 2006 and 2007, Clean Harbors regularly transported used oil picked up from generators in Utah and other states to the Clean Harbors Aragonite facility without testing the used oil or certifying it to be on-specification.
- 6.a. Rebuttable Presumption. R315-15-4.5(a) (UAC) states: “To ensure that used oil is not a hazardous waste...the used oil transporter shall determine whether the total halogen content of used oil being transported or stored at a transfer facility is above or below 1,000 ppm.”
- b. In 2006 and 2007, Clean Harbors regularly transported used oil picked up from generators in Utah and other states to the Clean Harbors Aragonite facility without determining the used oil total halogen content.
- 7.a. Used Oil Tracking. The used oil transporter rules in R315-15-4.7(b) UAC require Clean Harbors Environmental Services to keep a record of each shipment of “used oil” delivered to the Clean Harbors Aragonite facility.
- b. In 2006 and 2007, Clean Harbors regularly transported used oil picked up from generators in Utah and other states to the Clean Harbors Aragonite facility. Clean Harbors Environmental Services did not track used oil sent to the Clean Harbors Aragonite facility as used oil on its shipping documents.

DETERMINATION OF VIOLATIONS

Based on the foregoing FINDINGS, Clean Harbors Environmental Services has violated provisions of its used oil transporter permit (UOP-0091-05) and the Rules applicable to its used oil handling operations. Specifically, Clean Harbors Environmental Services has violated the following:

1. **Condition 13 of its used oil transporter permit (UOP-0091-95)** by transporting used oil that had not been determined to be on-specification by a Utah-registered marketer as required by its analysis plan.
2. **R315-15-4.5(a) of the Rules** by failing to determine the halogen content of used oil it transported.
3. **R315-15-4.7(b) UAC** by failing to track used oil as “used oil.”

ORDER

Based on the foregoing FINDINGS AND VIOLATIONS, and pursuant to Section 19-6-705 of the Utah Code Annotated, R315-15-15.2 UAC, and Condition 1 of its used oil transporter permit, Clean Harbors Environmental Services is hereby ORDERED to immediately:

1. Follow its analysis plan.
2. Test the used oil it picks up with Clor-d-Tect halogen kits prior to transporting that used oil in Utah.

3. Clearly track used oil that it transports in Utah as "Used Oil."

COMPLIANCE, OPPORTUNITY FOR HEARING

This ORDER is effective immediately and shall become final unless Clean Harbors Environmental Services, Inc. requests a hearing within thirty (30) days of the date below and in accordance with R315-12-3 of the Rules. Section 19-6-721 of the Utah Code Annotated provides that violators of the Used Oil Management Act or any ORDER issued thereunder may be subject to a civil penalty of up to ten thousand (\$10,000.00) dollars per day for each day of violation.

Dated this _____ day of _____, 2008.

ORIGINAL DOCUMENT SIGNED BY DENNIS R. DOWNS ON 1/2/08

By: _____

Dennis R. Downs, Executive Secretary
Utah Solid and Hazardous Waste Control Board